

REMARKS

Claims 1, 10, 11, and 13 are amended. Claims 2 and 14 are cancelled. New claims 21 and 22 are added.

SPECIFICATION

The Office Action objected to the specification for not indicating that FIGs. 1A and 1B are prior art on page 10, lines 5 and 6. Accordingly, page 10, lines 5 and 6 are amended by inserting the phrase “prior art”, thereby obviating this objection.

I. STATUS OF CLAIMS

Claims 1, 10, and 13 are rejected under 35 USC §102 as anticipated by Vacante et al. (U.S. Patent Number 6,651,191).

Claims 2 and 14 are rejected under 35 UCS §103 as unpatentable over Vacante et al. in view of Summers (U.S. Patent Number 6,401,240).

Claims 3-8, and 15-20 are rejected under 35 UCS §103 as unpatentable over Vacante et al. in view of Putzolu et al. (U.S. Patent Number 6,611,864).

Claims 9, 11, and 12 are rejected under 35 UCS §103 as unpatentable over Putzolu et al. in view of Vacante et al.

II. REJECTION BASED ON 35 USC §102

Claims 1, 10, and 13 are amended by this response to include the subject matter of claims 2 and 14, thereby obviating the rejection under 35 USC §102.

III. REJECTION BASED ON 35 USC §103

A. INDEPENDENT CLAIMS 1 AND 9-13

The Examiner (at page 2) stated,

Vacante et al teaches...making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 6, lines 64-67).

This is incorrect. Column 6, lines 64-67 state,

If deployment is desired, it can be accomplished by changing one of the two configuration images to be active, perhaps requiring mirroring the backup into the active.

Although column 6, lines 64-67 recite “If deployment is desired”, column 6, lines 64-67, do not mention an “activation message” as recited in claims 1, 10 and 13. Deployment may be desired without ever “receiving an activation message” as required by claims 1, 10, and 13. At most Vacante et al. teach that when deployment is desired, the deployment is performed manually and not automatically in response to receiving an activation message.

Additionally, there is no disclosure in column 6, lines 64-67, of “making the new configuration information active ... only in response to receiving an activation message” (emphasis added).

Specifically, Vacante et al. discloses three types of tests, and column 6, lines 64-67, are part of the discussion of the third type of test. The third type of test includes three methods. The first method is described in column 6, lines 52-67. The second method is described in column 7, lines 1-16. The third method is described in column 7, lines 17-31. Regarding the second method, Vacante et al. (at column 7, lines 13-16) state,

The disadvantage of this method is that the target device 140 will be active and running the proposed configuration for a certain period until its original state can be restored, i.e. there is a time gap, typically a few seconds.

Similarly, regarding the third method, Vacante et al. (at column 7, lines 29-31-16) state,

As in method two, the device is running the policy to be tested until the backup can be restored.

Thus, in contrast to claims 1, 10 and 13, as part of at least the second and third methods, Vacante et al. test the policy by actually actively implementing (or deploying) the policy on a temporary basis and without receiving an activation message. In the claims the configuration is tested until inactive.

Vacante et al.'s FIG. 7 is a flow chart in conjunction with which the third type of testing is discussed. In step 710, as illustrated in FIG. 7, the type three testing is detected, and presumably checks whether the first second or third type is performed. Then, if the third type of testing is being performed, depending on whether the backup configuration can be configured, and whether there is storage available for a backup configuration, the type three testing uses the first method, which is associated with step 750 (column 7, lines 44-47); the second method, which is associated with step 740 (column 7, lines 48-51); and the third method, which is associated with step 780 (column 8, lines 6-9), respectively. Since there are situations in which the second and third methods may be invoked, then there are situations in which the policy is temporarily actively deployed in order to test the policy without receiving an activation method, in contrast to claims 1, 10, and 13 (which require that the policy is changed only in response to receiving an activation method). Thus, column 6, lines 64-67, do not disclose "making the new configuration information active ... only in response to receiving an activation message" as recited in independent claims 1 and 9-13.

B. INDEPENDENT CLAIMS 1, 10, 11, AND 13

Regarding claims 2 and 14 (now incorporated into claims 1, 10, 11, and 13), the Examiner stated,

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate storing in logically separate areas of memory as taught by Summers in the claimed invention of Vacante et al in order to have a plurality of addressable locations (See col. 8, lines 32-36).

However, the Applicants disagree. Summers is not analogous art. Specifically, Summers teaches a profiler for profiling an SMP system, while the system of Vacante et al. may not even be an SMP system (see the first sentence of the abstract). It may be any of a variety of single or multiprocessor chips and each processor may be capable of running single thread or multiple threads. For example, Vacante et al. or the claimed methods and apparatuses may use an on-Chip Multiprocessor (CMP) system. The problems related to profiling an SMP system (of Summers) are unrelated to the problems associated with testing protocol on the Internet (Vacante et al. or the claims). Profiling SMP computer chips and testing policy at a network element are fields of endeavor that are significantly more different than the two SIMMs which are given as examples of nonanalogous fields of endeavor in MPEP 2141.01(a), p. 200-117, which cites *Wang Laboratories, Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993). Accordingly, Summers is not a valid reference in a rejection under 35 USC 103, and this ground of rejection should be withdrawn.

Even if Summers were analogous art and taught a reason for using different his logical divisions (which the Office Action associates with the claimed logically separate areas of memory), Summers does not teach how the logical divisions should be allocated

or what items should be grouped into the same logical divisions and what items should be grouped into different logical divisions. Consequently, Summers does not teach placing the active and inactive policy into different logical divisions, in contrast to present claims 1, 10, 11, and 13.

Further, the memory cells of Summers are used for storing profile information (e.g., CPU time used by a thread). Thus, even if Summers suggested something about the usage of logical divisions for profile information of threads, there is no suggestion of how logical divisions of other memory, such as for storing policy, should be utilized.

Additionally, even were Summers analogous art, the Examiner has not given a motivation for making the device of Vacante et al. an SMP system for which the profiler of Summers is applicable. Further, column 8, lines 26-36, of Summers state

Memory 612 can be any form of addressable memory capable of holding information used by the processors. A high-speed random access memory ("RAM") is preferred. However, memory 612 could be a fixed disk drive accessible directly or as part of a virtual memory system. Memory 612 can be divided into multiple memory storage areas comprised of either separate banks of physical memory or logical divisions within a single memory. Memory 612 has a plurality of addressable storage locations which are equivalent to the memory storage areas and memory cells discussed above.

Although column 8, lines 26-36, states that memory 612 has a plurality of addressable storage locations and states that memory 612 can be divided into logical divisions, contrary to the implication of the Office Action, there is no disclosure of the memory 612 somehow being more addressable by virtue of the inclusion of logical divisions. No reason is given in Summers for why one may want to use logical divisions in memory 612. Thus, contrary to the assertions of the Office Action, Summers does not teach a motivation for using logical divisions within the device of Vacante et al.

C. INDEPENDENT CLAIMS 9 AND 12 AND DEPENDENT CLAIMS 5 AND

17

Regarding claims 9 and 12, the Examiner stated,

Putzolu et al teaches ... receiving a COPS protocol decision message... that identifies new configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message (See col. 4, lines 18-22).

Similar remarks were made regarding the flag bit of claims 5 and 17. However, this statement is incorrect. Column 4, lines 17-22, states,

The context object may be used to determine the context within which all other message objects are to be interpreted. It also may be used to determine the kind of decision to be returned from the PDP. The context object specifies the type of event(s) that triggered a query.

Column 4, lines 17-22, does not disclose a “flag bit”. Similarly, the mechanism that the policy decision point identifies new configuration information as active is not disclosed in column 4, lines 17-22, and therefore, in contrast to claims 9, 11, and 12 column 4, lines 18-22, does not disclose

receiving a COPS protocol decision message from the *policy decision point that identifies new configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object* that forms part of the decision message... (emphasis added).

Similarly, in contrast to claims 5 and 17, column 4, lines 17-22, of Putzolu et al. does not disclose

receiving a decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified flag bit in a message type value in a Context object that forms part of the decision message.

Therefore, even if the references were combinable in the manner suggested by the Office Action the flag bit would be missing from the resulting combination.

D. CLAIMS 4, 5, 9, 12, 16, and 17

Additionally, the Office Action relies on column 4, lines 17-22, in rejecting each of claims 4, 5, 9, 12, 16, and 17. However column 4, lines 17-22, is part of an embodiment in which

PEP 10 sends a COPS request message 14 at run-time to PDP 12 in response to some external action within the network, such as a set of conditions requiring evaluation by the PDP (column 4, lines 12-15).

In contrast, in claims 4, 5, 9, 12, 16, and 17, the decision message, configuration information, or COPS protocol is received at the apparatus for enforcing policy and/or from the PDP. For example, claim 4 recites, “receiving a COPS decision message from the policy decision point”. Therefore, in claim 4, the decision message is received from the PDP, in contrast to column 4, lines 17-22.

Further, there is no discussion in column 4, lines 17-22, of Putzolu *et al.* of determining whether the object sent is inactive. There is no recognition in column 4, lines 17-22, of Putzolu *et al.* that (1) some objects may be active, (2) some object may be inactive, and (3) a need to determine which of the two was sent. Thus, column 4, lines 17-22, do not disclose a “policy decision point that identifies the configuration information as an inactive configuration”, as recited in claims 4, 5, 9, 12, 16, and 17. Therefore, the rejections of claims 4, 5, 9, 12, 16, and 17 are improper and should be withdrawn.

E. CLAIMS 8 AND 20

Regarding claims 8 and 20, the Office Action states,

Putzolu *et al.* teaches receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information (See col. 4, lines 17-22)

The Applicants disagree. Column 4, lines 17-22, discusses a “context object”, interpreting using the context object to interpret the context of all other context objects and determining a kind of decision to return to the PDP. However, there is no relationship between interpreting the context of other objects based on a context object sent or determining a kind of decision to return to the PDP (e.g., and not the network element, router, or PEP) of column 4, lines 17-22, and installing the object named in the decision message as active QoS configuration information of claims 8 and 20. Further, column 4, lines 17-22, relied upon by the Office Action, does not mention active QoS configuration information or an object being named in a decision message and therefore column 4, lines 17-22, does not disclose the steps recited in claims 8 and 20 of

receiving an install named object decision message from the policy decision point;
installing the object named in the decision message as the active QoS configuration information....

F. NEW CLAIMS

New independent claims 21 and 22 differ from independent claims 1 and 13 in that the method is carried out on each of a plurality of policy enforcement points. Vacante et al. discuss deploying policy at a single point. Using the device recited in claims 21 and 22, by waiting for an activation before enforcing the policy, the policy can be deployed simultaneously at all of the plurality of enforcement points after ensuring that the policy works properly at all enforcement points.

G. DEPENDENT CLAIMS 3-8 AND 15-20

Each of claims 3-8 and 15-20 depends upon one or more of independent claims 1 or 13 and is allowable for at least the same reasons. Although each of the remaining dependent claims 2-8 and 14-20 contain features that are separately patentable over the claims from which they depend (as for example was discussed regarding claims 4, 5, 8, 16, 17, and 20, above), in view of the patentability of independent claims, the remaining dependent claims and other features are not further argued at this time to expedite prosecution. Additionally, many of the claims argued contain other independently patentable features that are not separately argued at this time to expedite the prosecution.

IV. CONCLUSION

For the reasons set forth above, all pending claims are patentable over the art of record. Accordingly, allowance of all claims is hereby respectfully solicited.

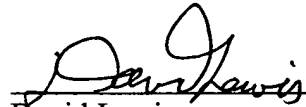
The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

No extension fee is believed to be due. However, to the extent necessary,
Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner
is authorized to charge any fee that may be due in relation to this application to our
Deposit Account No. 50-1302.

Respectfully submitted,

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on April 27, 2004 by Jessie Austin